

JUL 03 2006

Art Unit 2616
Serial No. 09/560,722Reply to Office Action of: 2/2/2006
Attorney Docket No.: K35A0604

REMARKS

REJECTION UNDER 35 USC 103(a):

The Examiner rejects Claims 22, 26-27, 29-31, and 35 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,991,832 issued to Sato *et al.* (*Sato*) in view of U.S. Patent No. 5,241,428 issued to Goldwasser *et al.* (*Goldwasser*), and rejects each of Claims 23-25, 28, 32-34, and 36-39 as being unpatentable over *Sato* in view of *Goldwasser* and further in view of one or more of the following references: U.S. Patent No. 5,990,927 issued to Hendricks *et al.* (*Hendricks*); U.S. Patent No. 6,016,507 issued to Carroll *et al.* (*Carroll*); U.S. Patent No. 5,815,631 issued to Sugiyama *et al.* (*Sugiyama*); or German Patent No. DE 3106125 A1 issued to Wieland (*Wieland*). Applicants respectfully traverse these rejections.

Sato discloses an electronic programming guide (EPG) used along with an electronic recording/reproducing apparatus. The only recording/reproducing apparatus disclosed in *Sato* is a device using a sequential storage medium, and in particular, a video tape recorder (VTR). Contrary to the Examiner's assertion, then, *Sato* does not disclose the video data management system recited in Claim 22 that "recognizes connection of the external hard disk drive to the video recording system and subsequently identifies the external hard disk drive as available for video data storage" and "routes the selected portion of the streaming video data to the external hard disk drive via the isochronous interface in order to record the external video data stream for the video program segment" (emphasis added), since a video tape recorder is substantially different from an external hard disk drive. Nor does it disclose the method recited in Claim 35 that comprises recognizing connection of the external hard disk drive and subsequently identifying the external hard disk drive as available for video data storage" and "routing at least a portion of the streaming video data to the external hard disk drive via the isochronous interface in order to record the external video data stream for the video program segment." Moreover, because the storage medium is a conventional sequential medium, it does not permit playback commands to be usable while an external video stream is being recorded to the same medium, and thus, *Sato*

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also fails to teach that "playback commands are usable while the external video data stream is being recorded," as recited in Claims 22 and 35. In fact, *Sato* provides no teaching at all with regard to the playback use of any device while that device is recording.

Nor does the Examiner's proposed modification of *Sato* with the teaching of *Goldwasser* render either of Claims 22 or 35 obvious. *Goldwasser* discloses recording broadcasts in a random access medium, including a hard disk drive, allowing the use of playback commands (col. 6, lines 22-43; col. 7, lines 59-58). But the combination of the references would still not produce the recited claim element, as *Sato* does not teach or suggest the use of playback commands for audio-visual devices in the EPG, and in fact, *Sato* teaches away from the use of such playback commands in the EPG. In describing playback modes, *Sato* notes "As described above, according to the present embodiment, either a broadcasted program or a program recorded in advance can be selected in such a uniform manner that there is no need to distinguish one from another, raising the degree of usage convenience of the system." Col. 5, lines 12-16. See also col. 6, lines 44-49. Thus, even though playback commands could in principle be used by the EPG during playback of a recorded program on a VTR, *Sato* teaches that the EPG should not distinguish between playback of recorded programs and broadcasted programs in order to raise the degree of usage convenience. Consequently, even if the system of *Goldwasser* would allow the use of playback commands during recording, *Sato* would teach away from the use of such playback commands in the EPG.

Applicants respectfully submit that the combination of references proposed by the Examiner is therefore improper, and accordingly, the *Sato-Goldwasser* combination fails to render either Claim 22 or Claim 35 obvious. None of the additional references cited by the Examiner remedy the deficiencies of the *Sato-Goldwasser* combination in this regard, and accordingly, the additional references, taken separately or in combination with one another or with *Sato* and/or *Goldwasser*, also fail to render Claims 22 or 35 obvious. Additionally, all other pending claims depend directly or indirectly on either Claim 22 or 35 and are allowable for at least that reason. For at least these reasons, Applicants request reconsideration and allowance of all pending claims.

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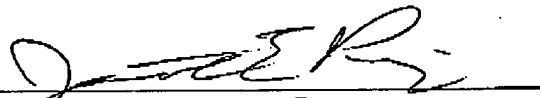
CONCLUSION

In view of the foregoing amendments and/or remarks, Applicant respectfully submits that the pending claims are now in condition for allowance and requests reconsideration of the rejections. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 23-1209.

Respectfully submitted,

Date: 7/3/06

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